

IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF TEXAS
PD-0035-18

FILED
COURT OF CRIMINAL APPEALS
6/8/2018
DEANA WILLIAMSON, CLERK

FREDDY GARCIA

§

§

VS.

§

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§

THE STATE OF TEXAS

§

On Petition for Review of
No. 14-16-00242-CR
Court of Appeals
Fourteenth District of Texas

**APPELLANT'S MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE BRIEF ON THE MERITS**

Appellant, Freddy Garcia, moves for leave to file his reply to the State's petition for discretionary review, in the interest of justice.

TEX. R. APP. P. 10.5(b) statement:

- (A) Deadline for filing: June 4, 2018
- (B) Length of extension sought: 10 days
- (C) Facts relied on: The Court has given notice that Appellant must immediately file his brief and a motion to extend time, because Appellant's brief in response was not timely filed. Counsel has been working diligently on Appellant's response since the State filed its merits brief in May, but was unable to complete it timely. Further, deadlines for other briefs have interrupted work on this brief. In the interest of justice, Appellant requests an additional 10 days to file it.
- (D) Number of previous extensions: 0

Tex. R. App. P. 10.5(c) statement:

- (A) Court of appeals: Fourteenth Court of Appeals (Houston)

- (B) Date of court of appeals judgment: December 14, 2017
- (C) Case number and style: *Freddy Garcia v. State*, Cause No. 14-16-00242-CR
- (D) Motions for rehearing: The State filed a Motion for Rehearing on July 31, 2017. On December 14, 2017, the court of appeals denied the motion, but entered a substitute opinion. No other motions for rehearing or en banc reconsideration were filed.

PRAYER

Appellant respectfully requests this motion be granted and the Court permit him an extension of time until June 14, 2018, to submit his response brief on the merits.

Respectfully submitted,

ALEXANDER BUNIN
Chief Public Defender
Harris County Texas

/s/ Cheri Duncan

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Freddy Garcia

CERTIFICATE OF SERVICE

I certify that a copy of Appellant's Motion for Leave to File Out-of-Time Reply to Petition for Discretionary Review was served electronically on the Appellate Division of the Harris County District Attorney's Office and the State Prosecuting Attorney on June 7, 2018.

/s/ Cheri Duncan

CHERI DUNCAN